

Serial No.: 10/049,956
Amendment dated: September 24, 2003
Reply to Office Action dated: June 24, 2003

REMARKS

Claims 1 through 11 are in the application. Claim 6 has been deleted by amendment. The number of independent claims and the number of all claims, after amendment, is within the allowed amount under 37 C.F.R. § 1.16, and no fee is believed to be due.

The Office Action set a three month period for filing a response. As the present response is filed within the three month period, i.e., on or before September 24, 2003, it is believed that no fees are due for the filing of this response.

Applicant encloses herewith an Information Disclosure Statement pursuant to 37 C.F.R. § 1.56. As the Information Disclosure Statement and references are submitted after the mailing date of the first Office Action, a fee is enclosed, pursuant to 37 C.F.R. § 1.17(p). Attached please find a Fee Transmittal Sheet, in duplicate, with the appropriate fees authorized to be charged.

The Commissioner is hereby authorized to charge any deficiency in any fee associated with this communication only, and to credit any overpayment with regard to the application during the prosecution thereof, to our Deposit Account No. 03-3923.

The Examiner objected to the drawings for: presenting reference numeral 50 as indicating the same element as reference numeral 24; and not showing the features claimed in Claim 6. Applicant submits the enclosed substitute drawing sheet correcting Fig. 3 to replace the use of reference numeral 50 with reference numeral 24 to be consistent with the other drawings. The reference to reference numeral 50 has been changed in the specification to refer to reference

numeral 24. No new matter is being introduced by the substitute drawing sheet. Applicant has deleted claim 6 from the application and has amended claim 7 to be dependent on claim 1.

The Examiner objected to the specification as not including an abstract of the invention. Applicant has amended the specification above to insert an abstract.

The Examiner objected to the specification as containing several informalities, namely by using different names for the same reference numbers. Applicant has amended the specification to remove the inconsistencies noted by the Examiner.

Section 112 Rejection

The Examiner rejected claims 1, 2 and 5 to 11 under 35 U.S.C. § 112, first paragraph as being based on a disclosure which is not enabling. Applicant has amended claim 1, the only independent claim of the application, to include the features noted by the Examiner as being critical or essential to the practice of the invention, namely the back wall with two ramps. Due to the nature of the construction of hydrocyclones, applicant contends that the additional limitation of the ramps being identified as "inner" and "outer" is not required for compliance with 35 U.S.C. § 112, first paragraph, but is part of the preferred embodiment of the invention.

The Examiner rejected claims 6-11 under 35 U.S.C. § 112, first paragraph as being based on a disclosure which is not enabling. As noted above, applicant has amended claim 1, has deleted claim 6 and has amended the dependency of claim 7. The reference to an "end wall" has been changed to read "back wall."

The Examiner rejected claims 1-11 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims to provide proper

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antecedent basis and to address other informalities. The term "housing" has been replaced with "body," the terms "portion" (inner and outer) have been replaced by "ramp," and the term "end wall face" has been replaced with "back wall face." Applicant notes that the axial flow of fluid within a hydrocyclone is well known in the art.


Applicant notes that the Examiner has indicated that the claims identify allowable subject matter over the prior art, subject to overcoming the rejections under 35 U.S.C. § 112. With the entry of the above amendments, applicant submits that the claims are in condition for allowance. Such favorable action is accordingly respectfully solicited.

Respectfully submitted,

Petresco International Ltd.

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By


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